

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Case No. 7:23-cv-01655-M-RJ

MABLE DUBAR,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
RYAN HANKS, et al.,)	
)	
Defendants.)	
)	

This matter comes before the court on the Memorandum and Recommendation of Magistrate Judge Robert B. Jones, Jr. [DE 14]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Judge Jones recommends that this court grant Defendants' motion to dismiss [DE 6], dismiss the complaint without prejudice for lack of subject matter jurisdiction, and deny as moot Plaintiff's motion to deposit funds [DE 5]. To date, no objections have been filed.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, as here, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated

therein, the court GRANTS the motion to dismiss [DE 6] DISMISSES the complaint without prejudice. The court DENIES as MOOT Plaintiff's motion to deposit funds [DE 5].

SO ORDERED this 21 day of April, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE